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Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

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In the Matter of:	)	
	)	
Amendment of the Amateur Service Rules	)	WT Docket No. 12-283
Governing Qualifying Examination Systems and	)	
Other Matters	)	
	)	RM-11629
Amendment of Part 97 of the Commission's	)	
Amateur Service Rules to Give Permanent Credit	)	
for Examination Elements Passed	)	
	)	RM-11625
Amendment of Part 97 of the Commission's	)	
Rules to Facilitate Use in the Amateur Radio	)	
Service of Single Slot Time Division Multiple	)	
Access Telephony and Data Emissions	)	
	)	WT Docket No. 09-209
Request for Temporary Waiver	)	
Amendment of the Amateur Service Rules	)	
Governing Vanity and Club Station Call	)	

To the Commission:

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<u>REPLY COMMENTS OF JAMES EDWIN WHEDBEE</u>

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COMES now JAMES EDWIN WHEDBEE, and pursuant to Section 1.415 of the Commission's Rules (47 C.F.R. § 1.415), hereby respectfully submits his reply comments in response to the comments of the ARRL responding to the Commission's *Notice of Proposed Rule Making and Order*, FCC 12-121, 27 FCC Rcd. 12582, 77 FR 64947, released October 2, 2012 (the Notice). For his reply comments, the undersigned JAMES EDWIN WHEDBEE, states the following…

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Part One – On the Issues of Lifetime Examination Credit, Renewal Grace Periods, CSCE's

[1]   The undersigned finds himself at uncomfortable variance with his friends at ARRL, whom he greatly respects and honors. As ARRL correctly points out, the ways licenses are issued, upgraded, renewed, and so forth were determined by the Commission in several past proceedings and the facts have not changed, with the exception of improvements in technology used to test candidates for licenses or degrees. Where the undersigned disagrees with ARRL is in this sense: times have changed-therefore, ways must change to correspond with the times. It is logical, from the Wireless Telecommunications Bureau's point of view, to harmonize licenses issued to the Amateur Radio Service with those issued to commercial services.

The level of authenticity in the examination processes – whether amateur or commercial – is virtually indistinguishable between amateur and commercial services; the level of test validity between amateur and commercial services is likewise virtually indistinguishable; and, the degree to which knowledge is retained by human beings is virtually indistinguishable between the amateur and commercial services. For these reasons, the Wireless Telecommunications Bureau has a well-grounded argument for suggesting, in the Notice, a change to our rules for operator examinations, issuance of operator licenses, operator license renewals, and interim operating authority. Having two (2) distinct sets of operator licensing schemes between the amateur radio and commercial radio services when there are few practical differences in outcomes is overregulation and an inefficient waste of precious taxpayer resources the Commission ought better spend elsewhere.

[2]   What is more significant, technologically and practically, is that many highly respected colleges and universities are now conducting classes entirely within an online environment.

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The undersigned is an online adjunct professor of education at Park University. At Park University, coursework for many courses - including mine for pre-service teachers - is entirely done by the student online. The students sign into the course using their student identification number. This serves two purposes: it identifies the student and it records the student as 'present' for attendance and federal financial aid purposes. Only the student knows their identification number and the password is determined entirely by the student after a temporary (randomly generated) password is sent via e-mail to the student. As a professor, I cannot see or alter the password of my students. By way of extension of this analogy, a VE cannot modify the ULS password of an amateur radio license/upgrade candidate.

Once logged into the course, students perform their coursework in week-by-week segments. The coursework can (and often does) require reading of books students purchase and maintain in their homes (or wherever else they might do classwork, such as a dormroom). As a professor, I ask open-ended questions to which students respond throughout specified points during the week (points which, if these were traditional brick-and-mortar classes, correspond to days and hours of each week that the class would otherwise have to meet face-to-face). At the end of mid-terms (8 weeks) and semesters (16 weeks), students take comprehensive course examinations administered within the presence of a university-approved proctor. The examination is also performed online, but there is an added security feature that the proctor must concurrently log on to the test portion of the course with the student in order for the examination to be validated. The test is often (but not necessarily) timed and the test will log out when the elapsed time exceeds the instructor's predetermined criteria.

Otherwise, once the student presses the 'send' button, the examination is sent to me, and the proctor is automatically logged out such that reentry into the examination environment is impossible

(since I furnish both the student and the proctor unique access codes). If the examination is multiple choice (or in similar objective format), the computer automatically scores the exam and sends results to at least the student and myself. Exam formats might include 'fill-in-the-blank' responses where a particular choice of words is critical. As long as the blank contains the correct word, the computer automatically scores that choice as correct (all other choices are incorrect). For program-admission and degree-comprehensive examinations, scores are also forwarded to the appropriate dean or administrator for recordation on the student's transcript. In essence, unless I am the examination proctor (equivalent to the VE for amateur radio), I have zero face-to-face contact with students; therefore, I am very confident that the results are both secure and accurate. The only realistic way a person could cheat with these exams is if the instructor, proctor, and student all three agree and multiple access codes are issued by me to the proctor-otherwise once the exam is submitted, nobody can reenter it.

In this sense, three VE's are unnecessary as is the need for a test proctor to be physically present during test administration: as long as the proctor and examinee concurrently log in to the test, the test proceeds. Given the current state of online course technologies, the proctor can even remotely monitor the examinee-even observe the examinee using the camera aboard the examinee's laptop. Within this system, one VE proctors the test, and the test is secure because of the dual password protections. If the VE is concerned that an examinee is committing identity fraud, have the examinee bring multiple forms of photographic identification. All this worry is pointless at any rate: amateur radio examinations for new licensees were, in the not-so-distant past, administered by a single VE: Novice operator examinations were administered by a single VE with little or no concern about cheating and this was during an era of significantly less access to technologies such as what I suggest.

In this same vein, while some may have to relinquish 'turf' in this modernization of amateur radio operator examinations, it is equally valid to suggest that the 'turf' gained from modernization would exceed existing levels. However contemplated, the overall reliability and validity of the examination process would be enhanced rather than degraded, as ARRL and others fear. Moreover, modernization of the amateur radio operator examination process allows for expansion of access for prospective licensees. The fact that operators (prospective operators) have a CORES/ULS log in number and password takes care of security already assuming the administering VEs require photographic identification. Both the administering VE and the testing candidate must log in to ULS for an upgrade/issuance of a license. As long as VE's give different test editions to candidates taking the same level of exam as they enter (or a computer generates a random sequence of questions from the test pool, if administered online), the prospect of academic dishonesty is extremely remote. At some future point, the ARRL or another VEC might consider automating the entire process to meet the standards Park University already meets; thereby eliminating altogether the need for CSCEs since the upgrade of a license (or issuance of a license) would instantly appear in the ULS database. This same technology could easily transfer into commercial radio operator examinations, and the Commission could confidently be assured all licenses were validly issued, upgraded, and administered with little investment of taxpayer moneys.

[3]   As a practical matter, any argument that knowledge retained by commercial radio operators is held in the mind differently from amateur radio operators (who are often one and the same person) is specious and facially invalid. Accordingly, in that the Commission already grants certain commercial radio operator licenses for the operator's lifetime, it is the next logical step to do likewise with amateur radio operator licenses. This resolves any need for renewal (thus removing a

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layer of complexity from the licensing process). Moreover, if operators ought to be keeping their knowledge current, it is my position that ARRL/others should offer continuing education courses which would resolve this issue (and the undersigned believes ARRL does so). The Commission and taxpayers need not foot the cost or bear the burden of licensees' recurrent training through the licensing/renewal process.
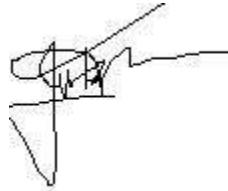
[4]   The need for CSCEs and renewal grace periods are mooted by my discussion above; accordingly, the undersigned need not rebut the ARRL's comments regarding these two matters. If the Commission wants to cover the hours/day(s) between an examination and a license being issued/upgraded, it can simply revise the regulations to require licensees to wait until an upgrade is shown in ULS before exercising those operator privileges and strike out the interim upgrade regulations from the amateur radio rules. Again, this eliminates a layer of complexity from the rules and the licensing/upgrading process and saves taxpayers some money.

Part Two – Emissions with a Second Designator of "X" or "7"

[5]   I wholeheartedly support ARRL's comments on the matter of emission designators having, for their second designator, an "X" or "7." I no longer believe it is appropriate, spectrally efficient, or procedurally relevant within the context of amateur radio rules to refer to specific emissions. I would rather the Commission adopt a specific bandwidth limitation which would allow for greater development of the state of the art.

WHEREFORE, the undersigned prays the Commission's Order modernizing amateur radio rules and regulations as requested hereinabove and in the undersigned's original comments (although where the original comments differ herefrom, these reply comments take precedence).

Respectfully Submitted:

December 21, 2012

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JAMES EDWIN WHEDBEE, M.P.A., M.Ed.
5816 NE BUTTONWOOD TREE LANE
GLADSTONE, MISSOURI 64119-2236
816.694.5913